



General Assembly

Substitute Bill No. 5306

February Session, 2016

* HB05306APP 041516 *

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE
OF EARLY CHILDHOOD.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of subsection (b) of section 19a-80 of the
2 2016 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2016*):

4 (b) (1) Upon receipt of an application for a license, the commissioner
5 shall issue such license if, upon inspection and investigation, said
6 commissioner finds that the applicant, the facilities and the program
7 meet the health, educational and social needs of children likely to
8 attend the child care center or group child care home and comply with
9 requirements established by regulations adopted under this section
10 and sections 19a-77 to 19a-79a, inclusive, as amended by this act, and
11 sections 19a-82 to 19a-87a, inclusive. The commissioner shall offer an
12 expedited application review process for an application submitted by a
13 municipal agency or department. A currently licensed person or entity,
14 as described in subsection (a) of this section, seeking a change of
15 operator, ownership or location shall file a new license application,
16 except such person or entity may request the commissioner to waive
17 the requirement that a new license application be filed if such person
18 or entity submits such request prior to the change of operator,
19 ownership or location. The commissioner [shall have discretion to

20 determine whether a change of operator, ownership or location request
21 from a currently licensed person or entity, as described in subsection
22 (a) of this section, shall require the filing of a new license application
23 from such person or entity] may grant or deny such request. Each
24 license shall be for a term of four years, shall be nontransferable, and
25 may be renewed upon receipt by the commissioner of a renewal
26 application and accompanying licensure fee. The commissioner may
27 suspend or revoke such license after notice and an opportunity for a
28 hearing as provided in section 19a-84 for violation of the regulations
29 adopted under this section and sections 19a-77 to 19a-79a, inclusive, as
30 amended by this act, and sections 19a-82 to 19a-87a, inclusive. In the
31 case of an application for renewal of a license that has expired, the
32 commissioner may renew such expired license within thirty days of
33 the date of such expiration upon receipt of a renewal application and
34 accompanying licensure fee.

35 Sec. 2. Section 19a-77 of the 2016 supplement to the general statutes
36 is repealed and the following is substituted in lieu thereof (*Effective July*
37 *1, 2016*):

38 (a) As used in this section and sections 19a-77a to 19a-80, inclusive,
39 as amended by this act, and sections 19a-82 to 19a-87a, inclusive, "child
40 care services" includes:

41 (1) A "child care center" which offers or provides a program of
42 supplementary care to more than twelve related or unrelated children
43 outside their own homes on a regular basis;

44 (2) A "group child care home" which offers or provides a program of
45 supplementary care (A) to not less than seven or more than twelve
46 related or unrelated children on a regular basis, or (B) that meets the
47 definition of a family child care home except that it operates in a
48 facility other than a private family home;

49 (3) A "family child care home" which consists of a private family
50 home caring for not more than six children, including the provider's

51 own children not in school full time, where the children are cared for
52 not less than three or more than twelve hours during a twenty-four-
53 hour period and where care is given on a regularly recurring basis
54 except that care may be provided in excess of twelve hours but not
55 more than seventy-two consecutive hours to accommodate a need for
56 extended care or intermittent short-term overnight care. During the
57 regular school year, a maximum of three additional children who are
58 in school full time, including the provider's own children, shall be
59 permitted, except that if the provider has more than three children
60 who are in school full time, all of the provider's children shall be
61 permitted;

62 (4) "Night care" means the care provided for one or more hours
63 between the hours of 10:00 p.m. and 5:00 a.m.;

64 (5) "Year-round" program means a program open at least fifty
65 weeks per year.

66 (b) For licensing requirement purposes, child care services shall not
67 include such services which are:

68 (1) (A) Administered by a public school system, or (B) administered
69 by a municipal agency or department;

70 (2) Administered by a private school which is in compliance with
71 section 10-188 and is approved by the State Board of Education or is
72 accredited by an accrediting agency recognized by the State Board of
73 Education;

74 (3) Classes in music, dance, drama and art that are no longer than
75 two hours in length; classes that teach a single skill that are no longer
76 than two hours in length; library programs that are no longer than two
77 hours in length; scouting; programs that offer exclusively sports
78 activities; rehearsals; academic tutoring programs; or programs
79 exclusively for children thirteen years of age or older;

80 (4) Informal arrangements among neighbors and formal or informal

81 arrangements among relatives in their own homes, provided the
82 relative is limited to any of the following degrees of kinship by blood
83 or marriage to the child being cared for or to the child's parent: Child,
84 grandchild, sibling, niece, nephew, aunt, uncle or child of one's aunt or
85 uncle;

86 (5) [Drop-in supplementary] Supplementary child care operations
87 for educational or recreational purposes and the child receives such
88 care infrequently where the parents are on the premises;

89 (6) [Drop-in supplementary] Supplementary child care operations in
90 retail establishments where the parents remain in the same store as the
91 child for retail shopping, provided the drop-in supplementary child-
92 care operation does not charge a fee and does not refer to itself as a
93 child care center;

94 (7) [Drop-in programs administered] Administered by a nationally
95 chartered boys' and girls' club that are exclusively for school-age
96 children;

97 (8) Religious educational activities administered by a religious
98 institution exclusively for children whose parents or legal guardians
99 are members of such religious institution;

100 (9) Administered by Solar Youth, Inc., a New Haven-based
101 nonprofit youth development and environmental education
102 organization; [, provided Solar Youth, Inc. informs the parents and
103 legal guardians of any children enrolled in its programs that such
104 programs are not licensed by the Office of Early Childhood to provide
105 child care services;]

106 (10) Programs administered by organizations under contract with
107 the Department of Social Services pursuant to section 17b-851a that
108 promote the reduction of teenage pregnancy through the provision of
109 services to persons who are ten to nineteen years of age, inclusive; or

110 (11) Administered by the Cardinal Shehan Center, a Bridgeport-

111 based nonprofit organization that is exclusively for school-age
112 children. [provided the Cardinal Shehan Center informs the parents
113 and legal guardians of any children enrolled in its programs that such
114 programs are not licensed by the Office of Early Childhood to provide
115 child care services.]

116 (c) Any entity or organization that provides services or a program
117 described in subsection (b) of this section shall inform the parents and
118 legal guardians of any children receiving such services or enrolled in
119 such programs that such entity or organization is not licensed by the
120 Office of Early Childhood to provide such services or offer such
121 program.

122 [(c)] (d) No registrant or licensee of any child care services as
123 defined in subsection (a) of this section shall be issued an additional
124 registration or license to provide any such services at the same facility.

125 [(d)] (e) When a licensee has vacated premises approved by the
126 office for the provision of child care services and the landlord of such
127 licensee establishes to the satisfaction of the office that such licensee
128 has no legal right or interest to such approved premises, the office may
129 make a determination with respect to an application for a new license
130 for the provision of child care services at such premises.

131 Sec. 3. Subdivision (1) of section 19a-420 of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective*
133 *October 1, 2016*):

134 (1) "Youth camp" means any regularly scheduled program or
135 organized group activity advertised as a camp or operated only during
136 school vacations or on weekends by a person, partnership,
137 corporation, association, the state or a municipal agency for
138 recreational or educational purposes and accommodating for profit or
139 under philanthropic or charitable auspices five or more children, who
140 are at least three years of age and under sixteen years of age, who are
141 (A) not bona fide personal guests in the private home of an individual,

142 and (B) living apart from their relatives, parents or legal guardian, for
143 a period of three days or more per week or portions of three or more
144 days per week, provided any such relative, parent or guardian who is
145 an employee of such camp shall not be considered to be in the position
146 of loco parentis to such employee's child for the purposes of this
147 chapter, but does not include (i) classroom-based summer instructional
148 programs operated by any person, provided no activities that may
149 pose a health risk or hazard to participating children are conducted at
150 such programs, (ii) public schools, or private schools in compliance
151 with section 10-188 and approved by the State Board of Education or
152 accredited by an accrediting agency recognized by the State Board of
153 Education, which operate a summer educational program, (iii) licensed
154 [day] child care centers, or (iv) drop-in programs for children who are
155 at least six years of age administered by a nationally chartered boys'
156 and girls' club;

157 Sec. 4. Section 17b-749e of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective July 1, 2016*):

159 The Office of Early Childhood shall, [establish and fund five
160 regional accreditation projects, within available appropriations. The
161 office shall select qualified applicants for each region through a request
162 for proposal process. The office shall give priority to child day care
163 facilities where at least twenty per cent of the children live with
164 families earning less than seventy-five per cent of the state median
165 income level] within available appropriations, assist programs
166 providing child care services to achieve accreditation by the National
167 Association for the Education of Young Children. The office shall set
168 priorities for receipt of assistance under this section.

169 Sec. 5. Subsection (d) of section 10-500 of the 2016 supplement to the
170 general statutes is repealed and the following is substituted in lieu
171 thereof (*Effective from passage*):

172 (d) The Office of Early Childhood shall constitute a successor
173 department, in accordance with the provisions of sections 4-38d, 4-38e

174 and 4-39, to (1) the Department of Education with respect to sections 8-
 175 210, 10-16n, 10-16p to 10-16r, inclusive, as amended by this act, 10-16u,
 176 10-16w, 10-16aa, 17b-749a, 17b-749c and 17b-749g to 17b-749i,
 177 inclusive; (2) the Department of Social Services (A) with respect to
 178 sections 17b-12, 17b-705a, 17b-730, 17b-733, [to 17b-736, inclusive,] 17b-
 179 738, 17b-749, 17b-749d to 17b-749f, inclusive, 17b-749j, 17b-749k, 17b-
 180 750 to 17b-751a, inclusive, and 17b-751d, and (B) for the purpose of
 181 administering the child care development block grant pursuant to the
 182 Child Care and Development Block Grant Act of 1990; [and] (3) the
 183 Department of Public Health (A) with respect to sections 10a-194c, 12-
 184 634, 17a-28, 17a-101 and 19a-80f, (B) for the purpose of regulating child
 185 care services pursuant to sections 19a-77, as amended by this act, 19a-
 186 79, 19a-80, as amended by this act, 19a-82 and 19a-84 to 19a-87e,
 187 inclusive, (C) for the purpose of the conduct of regulation of youth
 188 camps, pursuant to sections 19a-420 to 19a-434, inclusive, as amended
 189 by this act, and (D) for the purpose of administering the Maternal,
 190 Infant, and Early Childhood Home Visiting Program authorized under
 191 the Patient Protection and Affordable Care Act of 2010, P.L. 111-148;
 192 and (4) the Department of Developmental Services with respect to
 193 sections 17a-248, 17a-248b to 17a-248h, inclusive, 38a-490a and 38a-
 194 516a.

195 Sec. 6. Subsections (a) and (b) of section 17a-22gg of the 2016
 196 supplement to the general statutes are repealed and the following is
 197 substituted in lieu thereof (*Effective from passage*):

198 (a) There is established a Home Visitation Program Consortium that
 199 shall advise the Office of Early Childhood, Department of Children
 200 and Families, Department of Developmental Services and the
 201 Department of Education regarding the implementation of the
 202 recommendations for the coordination of home visitation programs
 203 within the early childhood system provided to the joint standing
 204 committees of the General Assembly having cognizance of matters
 205 relating to appropriations, human services, education and children
 206 pursuant to section 17a-22dd.

207 (b) The consortium shall consist of the following members:

208 (1) Four representing families who are receiving services or have
209 received services within the last five years from one or more home
210 visitation programs in the state;

211 (2) Not more than [eight] ten representing home visitation programs
212 in the state, at least four of whom shall utilize different home visitation
213 models;

214 (3) Two representing private advocacy organizations that provide
215 services for children and families in the state;

216 (4) One representing the United Way of Connecticut 2-1-1 Infoline
217 program;

218 (5) One representing the birth-to-three program established under
219 section 17a-248b;

220 (6) The director of the Connecticut Head Start State Collaboration
221 Office, or the director's designee;

222 (7) The Commissioner of Early Childhood, or the commissioner's
223 designee;

224 (8) The Commissioner of Children and Families, or the
225 commissioner's designee;

226 (9) The Commissioner of Developmental Services, or the
227 commissioner's designee;

228 (10) The Commissioner of Education, or the commissioner's
229 designee;

230 (11) The Commissioner of Mental Health and Addiction Services, or
231 the commissioner's designee;

232 (12) The Commissioner of Public Health, or the commissioner's

233 designee;

234 (13) The Child Advocate, or the Child Advocate's designee; [and]

235 (14) The executive director of the Commission on Children, or the
236 executive director's designee; and

237 (15) The director of the Maternal, Infant Early Childhood Home
238 Visiting program in the state, or the director's designee.

239 Sec. 7. Subsection (a) of section 10-16r of the 2016 supplement to the
240 general statutes is repealed and the following is substituted in lieu
241 thereof (*Effective from passage*):

242 (a) A town seeking to apply for a grant pursuant to subsection (c) of
243 section 10-16p or section 10-16u shall convene a local school readiness
244 council or shall establish a regional school readiness council pursuant
245 to subsection (c) of this section. Any other town may convene such a
246 council. The chief elected official of the town or, in the case of a
247 regional school district, the chief elected officials of the towns in the
248 school district and the superintendent of schools for the school district
249 shall jointly appoint and convene such council. Each school readiness
250 council shall be composed of: (1) The chief elected official, or the
251 official's designee; (2) the superintendent of schools, or a management
252 level staff person as the superintendent's designee; (3) parents; (4)
253 representatives from local programs such as Head Start, family
254 resource centers, nonprofit and for-profit child care centers, group
255 child care homes, prekindergarten and nursery schools, and family
256 child care home providers; (5) a representative from a health care
257 provider in the community; (6) the local homeless education liaison
258 designated by the local or regional board of education for the school
259 district, pursuant to Subtitle B of Title VII of the McKinney-Vento
260 Homeless Assistance Act, 42 USC 11431 et seq., as amended from time
261 to time; and ~~[(6)]~~ (7) other representatives from the community who
262 provide services to children. The chief elected official shall designate
263 the chairperson of the school readiness council.

264 Sec. 8. (NEW) (*Effective from passage*) The Commissioner of Early
265 Childhood may enter into stipulations, agreements, memoranda of
266 understanding, interim consent orders or consent orders relating to
267 licensing matters under chapters 368a and 368r of the general statutes
268 with:

269 (1) Any person, group of persons, association, organization,
270 corporation, institution or agency, public or private, (A) maintaining (i)
271 a licensed child care center or group child care home, pursuant to
272 section 19a-80 of the general statutes, as amended by this act, or (ii) a
273 licensed family child care home, pursuant to section 19a-87b of the
274 general statutes, or (B) applying for a license for (i) a child care center
275 or group home, pursuant to section 19a-80 of the general statutes, as
276 amended by this act, or (ii) a family child care home, pursuant to
277 section 19a-87b of the general statutes;

278 (2) Any person who (A) establishes, conducts or maintains a
279 licensed youth camp, pursuant to section 19a-421 of the general
280 statutes, or (B) is applying for a license for a youth camp, pursuant to
281 section 19a-421 of the general statutes;

282 (3) Any person acting or seeking to act as an assistant or substitute
283 staff member in a family child care home, pursuant to subsection (b) of
284 section 19a-87b of the general statutes;

285 (4) Any person or entity who is the subject of an investigation or
286 disciplinary action pursuant to section 19a-80f, 19a-84, 19a-87a, 19a-
287 87e, 19a-423 or 19a-429 of the general statutes while holding a license
288 issued by the Office of Early Childhood; or

289 (5) Any party in a contested case in which the office is a party.

290 Sec. 9. Subsection (b) of section 51-164n of the 2016 supplement to
291 the general statutes is repealed and the following is substituted in lieu
292 thereof (*Effective from passage*):

293 (b) Notwithstanding any provision of the general statutes, any

294 person who is alleged to have committed (1) a violation under the
 295 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
 296 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
 297 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
 298 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
 299 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
 300 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
 301 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
 302 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
 303 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
 304 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
 305 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
 306 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
 307 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
 308 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
 309 14-153 or 14-163b, a first violation as specified in subsection (f) of
 310 section 14-164i, section 14-219 as specified in subsection (e) of said
 311 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
 312 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
 313 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
 314 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
 315 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
 316 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
 317 subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22,
 318 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
 319 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, [or 17b-734,
 320 subsection (b) of section 17b-736, section] 19a-30, 19a-33, 19a-39 or 19a-
 321 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
 322 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
 323 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
 324 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-
 325 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-
 326 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-
 327 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or
 328 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63

329 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
 330 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of
 331 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-
 332 29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-
 333 39e, 22-49, 22-54, subsection (d) of section 22-84, 22-89, 22-90, 22-98, 22-
 334 99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,
 335 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-
 336 359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246,
 337 subsection (a) of section 22a-250, subsection (e) of section 22a-256h,
 338 section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e,
 339 section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or
 340 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
 341 subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-
 342 19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56,
 343 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section
 344 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91,
 345 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-
 346 132, 26-138 or 26-141, subdivision (2) of subsection (j) of section 26-
 347 142a, subdivision (1) of subsection (b) of section 26-157b, subdivision
 348 (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a,
 349 subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244,
 350 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-
 351 6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
 352 (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of
 353 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section
 354 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-
 355 11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-
 356 36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,
 357 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
 358 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
 359 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
 360 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
 361 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
 362 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
 363 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of

364 section 53-344b, or section 53-450, or (2) a violation under the
 365 provisions of chapter 268, or (3) a violation of any regulation adopted
 366 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
 367 or (4) a violation of any ordinance, regulation or bylaw of any town,
 368 city or borough, except violations of building codes and the health
 369 code, for which the penalty exceeds ninety dollars but does not exceed
 370 two hundred fifty dollars, unless such town, city or borough has
 371 established a payment and hearing procedure for such violation
 372 pursuant to section 7-152c, shall follow the procedures set forth in this
 373 section.

374 Sec. 10. Sections 17b-734 to 17b-736, inclusive, of the general statutes
 375 are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	19a-80(b)(1)
Sec. 2	<i>July 1, 2016</i>	19a-77
Sec. 3	<i>October 1, 2016</i>	19a-420(1)
Sec. 4	<i>July 1, 2016</i>	17b-749e
Sec. 5	<i>from passage</i>	10-500(d)
Sec. 6	<i>from passage</i>	17a-22gg(a) and (b)
Sec. 7	<i>from passage</i>	10-16r(a)
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	51-164n(b)
Sec. 10	<i>from passage</i>	Repealer section

APP *Joint Favorable Subst.*